

SENATE BILL No. 99

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-32-0.5.

Synopsis: Criminal code general purpose statement. Provides that the criminal code must be founded on the principle of reformation, not vindictive justice, and establishes the means and goals to be considered in establishing criminal penalties and imposing sentences. Specifies that these provisions do not create a cause of action or supersede any statute, and may not be used in litigation to obtain any form of relief. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Effective: July 1, 2005.

Long, Howard

January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 99

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-32-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2005]:

4 **Chapter 0.5. Purpose of the Criminal Code**

5 **Sec. 1. The criminal code shall be founded on the principle of**
6 **reformation, not vindictive justice.**

7 **Sec. 2. The primary purpose of sentencing a person convicted of**
8 **a crime is to do the following:**

9 (1) **Protect the public and deter criminal behavior.**

10 (2) **Impose a punishment commensurate with the nature of the**
11 **offense and the harm caused by the offense, taking into**
12 **account circumstances that may diminish or increase the**
13 **offender's culpability.**

14 (3) **Assist the rehabilitation of an offender.**

15 (4) **Assist with the offender's reentry and reintegration into**
16 **the community when appropriate.**

17 (5) **Provide restitution, reparation, and restoration to victims**



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of crime.

Sec. 3. To achieve the purpose described in section 2 of this chapter, it is the declared public policy of the state to do the following:

(1) Proscribe conduct that unjustifiably and inexcusably causes or threatens substantial harm to an individual or the public interest.

(2) Give fair notice of the nature of the conduct proscribed and of the sentence authorized upon conviction.

(3) Clearly define the act or omission and the accompanying mental state that constitute each offense.

(4) Reasonably differentiate between serious and minor offenses, and punish offenses proportionately.

(5) Hold an offender accountable by requiring the offender to lead a law abiding life.

(6) Encourage an offender to assume personal responsibility and assist the offender in finding motivation to change.

(7) Advance the use of generally accepted scientific methods and knowledge in sentencing an offender.

(8) Impose a sentence that is neutral with respect to an offender's race, gender, religion, national origin, or social or economic status.

(9) Encourage judicial discretion in developing alternatives to incarceration for offenders who are not habitual, nonconforming, or chronic offenders.

(10) Avoid excessive, disproportionate, or arbitrary punishment.

(11) Provide a continuum of sanctions that increase in direct proportion to the seriousness of the offense and the extent of the offender's criminal history.

(12) Define and coordinate the powers, duties, information sharing, and functions of the:

(A) courts;

(B) agencies; and

(C) administrative offices;

responsible for working with offenders.

Sec. 4. This chapter does not:

(1) create a cause of action;

(2) create a basis for a person to:

(A) challenge a:

(i) charging decision;

(ii) conviction; or

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- 1 (iii) sentence;
- 2 (B) obtain a stay of trial; or
- 3 (C) compel a new trial;
- 4 (3) provide grounds for a person:
- 5 (A) charged with or convicted of an offense; or
- 6 (B) alleged or adjudicated to be a delinquent;
- 7 to obtain any form of relief; or
- 8 (4) supersede any statute.

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